

# Notice of Allowability

Application No.

09/543,764

Examiner

James H Zurita

Applicant(s)

HOWES, JOHN L.

Art Unit

3625

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response of 14 July 2004 and Ex.Amdt of 11/09/04.
2. ☒ The allowed claim(s) is/are 33 and 51.
3. ☒ The drawings filed on 05 April 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

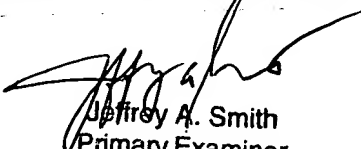
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20041108.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Jeffrey A. Smith  
Primary Examiner

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin Pumm on 28 October 2004.

**In the claims**

Claims 1-4, 6-32, 34-50 are cancelled.

**Claim 33** has been amended as follows:

~~33. The method of claim 31 wherein said assistance in the selection of liquid coating product includes the calculation of appropriate volume for a given application as defined by information input by the ultimate consumer~~

A method for the direct supply for containerized liquid coating product inclusive of a customized color to an ultimate consumer of the liquid coating product by a supplier remote from the ultimate consumer thereby enabling bypassing of local retailers, said business method comprising the steps of:

accepting, over a computer network through an internet website from at least one ultimate consumer, a customer order placed directly with a remote supplier specifying customer order information including indication of a liquid coating base, a color, a quantity, delivery address and identification of the ultimate consumer;

Art Unit: 3625

entering said customer order information into a customer order subsystem comprised of software maintained on a computer;

compiling said customer order information with a computer and processing the results of this compilation with a production subsystem to yield production parameters;

operating, in observance of said production parameters yielded by said production subsystem, a containerized liquid coating production line for producing in a single batch a customer specified non-standard quantity that is a fractional portion or an uneven multiple of gallons, quarts, pints, and liters in any customizable color with the addition of colorant to liquid coating base in precision quantities;

fractionally filling a container with the customer specified non-standard quantity of liquid coating base;

adding colorant for color customization to the liquid coating base in precise amounts corresponding to the non-standard quantity of liquid coating base, where the precise amounts are added in proportion to said non-standard quantity;

assembling containerized liquid coating product resulting from said production line fulfilling at least one individual customer order and packaging the resulting assemblage as required for shipment to the customer; and

causing the transporting of each said assemblage of containerized liquid coating product fulfilling each said customer order to the delivery address specified by the ultimate consumer in placing the customer order;

Art Unit: 3625

whereby each said ultimate consumer obtains delivery of a customer specified quantity and color of containerized liquid coating product directly to a specified address in accordance with said customer order information; and

wherein the web site provides assistance in the selection of liquid coating product appropriate to a given job as defined by information input by the ultimate consumer.

**Add new claim 51:**

51. A method for the direct supply for containerized liquid coating product inclusive of a customized color to an ultimate consumer of the liquid coating product by a supplier remote from the ultimate consumer thereby enabling bypassing of local retailers, said business method comprising the steps of:
- accepting, over a computer network from at least one ultimate consumer, a customer order placed directly with a remote supplier specifying customer order information including indication of a liquid coating base, a color, a quantity, delivery address and identification of the ultimate consumer;
  - entering said customer order information into a customer order subsystem comprised of software maintained on a computer;
  - compiling said customer order information with a computer and processing the results of this compilation with a production subsystem to yield production parameters;
  - operating, in observance of said production parameters yielded by said production subsystem, a containerized liquid coating production line for

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Art Unit: 3625

producing in a single batch a customer specified non-standard quantity that is a fractional portion or an uneven multiple of gallons, quarts, pints, and liters in any customizable color with the addition of colorant to liquid coating base in precision quantities;

fractionally filling a container with the customer specified non-standard quantity of liquid coating base;

adding colorant for color customization to the liquid coating base in precise amounts corresponding to the non-standard quantity of liquid coating base, where the precise amounts are added in proportion to said non-standard quantity;

assembling containerized liquid coating product resulting from said production line fulfilling at least one individual customer order and packaging the resulting assemblage as required for shipment to the customer; and

causing the transporting of each said assemblage of containerized liquid coating product fulfilling each said customer order to the delivery address specified by the ultimate consumer in placing the customer order;

whereby each said ultimate consumer obtains delivery of a customer specified quantity and color of containerized liquid coating product directly to a specified address in accordance with said customer order information.

### **Reasons for Allowance**

The following is an examiner's statement of reasons for allowance:

Art Unit: 3625

**As per claim 33**, the prior art of record neither anticipates nor fairly and reasonably teaches method that includes, *inter alia*, the steps of operating, in observance of production parameters yielded by a production subsystem, a containerized liquid coating production line for producing in a single batch a customer specified non-standard quantity that is a fractional portion or an uneven multiple of gallons, quarts, pints, and liters in any customizable color with the addition of colorant to liquid coating base in precision quantities;

fractionally filling a container with the customer specified non-standard quantity of liquid coating base;

adding colorant for color customization to the liquid coating base in precise amounts corresponding to the non-standard quantity of liquid coating base, where the precise amounts are added in proportion to said non-standard quantity;

wherein the web site provides assistance in the selection of liquid coating product appropriate to a given job as defined by information input by the ultimate consumer.

**Claim 51** contains method steps that are consistent with steps recited in claim 33. This method is allowable over prior art of record for reasons consistent with those identified above with respect to claim 33.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statements for Reasons for Allowance."


Art Unit: 3625

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

✓  
**James Zurita**  
**Patent Examiner**  
**Art Unit 3625**  
10 November 2004

  
Jeffrey A. Smith  
Primary Examiner